

GOVERNMENT OF TELAGANA
ABSTRACT

Public Services – Works Accounts Department – Allegation levelled by M/s Zenith Infra, Hyderabad against Sri D. Baliram, APAO, Nizamabad and Staff – Passing of bill for payment without check measurements – Initiation of Departmental proceedings under CCA Rules – Imposition of a penalty of “CENSURE” –Orders-Issued.

FINANCE (ADMN.II) DEPARTMENT

G.O.RT.No. 3656

Dated: 28/12/2015.

Read the following:

1. Complaint received from M/z. Zenith Infra, Hyderabad.
Dated:25.01.2014.
2. Memo.No.1770-E/27/WA.II/2014, Fin. (WA.II) Department, dated:27.01.2014.
3. Report of JDWA, W&P, Hyderabad, dated 28.01.2014.
4. Lr.No.DWA/Hyd/Sn.II/A-8/2013-14/485, dated:29.01.2014.
5. G.O.Rt.No.351, Finance (WA.II) Dept., dated: 05.02.2014.
6. Representation of Sri D.Baliram,APAO (W&P),DWA,dt:20.02.2014.
7. Govt., Memo.MNo.1770/E/27/WA.II/2014,dt:06.03.2014.
8. Lr.No.DWA/Hyd/Sn.II/A-8/2014-15/7, dated: 04.04.2014
9. G.O.Rt.No.1544, Finance (WA.II) Dept., dated:03.05.2014.
10. Lr.No.DWA/TS/Hyd/Sn.I/EC.3/2014-15/51, dated:19.11.2014.
11. G.O.Rt.No.1228, Finance (Admn.II) Dept., dated: 08.12.2014.
12. Lr.No.DWA/TS/Hyd/Sn.I/Admn/EC.6/2014-15/100,dt:24-02-2015 along with written Statement of defense of Sri Baliram,dt:Nil.

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O R D E R:

In the reference 1st read above,certain allegations were made against Sri D. Baliram, APAO, Nizamabad regarding passing the work bill without check measurement as per the procedure.

2. In the G.O 5th read above, Sri D. Baliram, APAO, Nizamabad was placed under suspension and Director of Works Accounts was directed to verify all the records pertains to work of “Output and performance based contract for maintenance Package-12 roads in Nizamabad District”, and inquire into matter and furnish report to the Government,
3. Accordingly, the Director of Works Accounts had directed the Joint Director of Works Accounts to verify the records pertaining to the said work and furnished a detailed report. The Joint Director of Works Accounts, Hyderabad has submitted his report duly verifying all the records pertaining to the work covering the following aspects and found certain lapses of the Senior Assistant, Superintendent and APAO.

- 1) Check Measurement of the S.E and E.E.
- 2) Bank Guarantee.
- 3) Retention Money.
- 4) Advance Payment.
- 5) Expenditure against Administrative Approval.

- 6) Extension of Time.
- 7) Price Escalation.
- 8) VAT.
- 9) Overall Seigniorage Charges.
- 10) Insurance Policy.
- 11) Mile Stones.

4. According to the report of the Joint Director, "on verification of the detailed measurement books it is found that the work reached 2/3rd stage by 15th and part bill and there was short fall in Superintending Engineers Check-measurement and same has been informed to the Division by the Asst. Pay and Accounts Officer vide Letter No.APAO/NZB/R&B/BDN/2012-13, dated 09-11-2012. As it now, SE has to check measure upto 2/3rd stage for Rs.7,32,39,648/- whereas SE has check measured for Rs.8,11,76,127/- . Similarly, the EE has to check measure upto 24th and Part bill for Rs.9,41,57,688/- whereas EE has check measured for Rs.14,05,43,423/- but whereas L.S.23rd and 24th & part bills, the Executive Engineer has not check measured". The Joint Director has stated that there is no established evidence for any collusion or malafide intention in declaring the bill ready for payment.

5. The Director of Works Accounts inter-alia reported that the APAO has kept the bill ready for payment at 7:37 PM on 25-01-2014 on the plea that

- (i) Certificate of check measurement in Bill will serve the purpose though the same is not available in M. Book.
- (ii) It was not possible to return the M. Books to the Division to get required certificates in M. Books.

6. The certificate of check measurement by E.E and S.E was furnished on 10.01.2014 and signed by E.E. It is available in a separate sheet enclosed to the bill which is seized by the Joint Director of Works Accounts, Hyderabad on 27-01-2014 during enquiry. The details of activities / disposals of the Auditor, Superintendent and APAO with reference to the bill are captured by and available in BMS, reinstatement or otherwise may not prejudice any further enquiry and requested to take a decision on revocation of suspension of Sri D.Baliram, APAO, Nizamabad.

7. In the reference 9th cited, Government, after careful consideration of the report of Joint Director of Works Accounts and Director of Works Accounts, decided to revoke the suspension and reinstate him into service without prejudice to the departmental proceedings contemplated against Sri D. Baliram, Assistant Pay and Accounts Officer and Director of Works Accounts directed to initiate Departmental proceedings against for the lapse identified in the enquiry report of the JDWA, Hyderabad as per the A.P.C.S (CC&A) Rules,1991 and report compliance to the Government.

8. In the reference 11th cited the following charge was framed against Sri D. Baliram, APAO,Nizamabad.

Charge:

That the said Sri D. Baliram while working as APAO, Nizamabad has failed in his duties while scrutinizing the work bills and kept the bill ready for payment in BMS on 25.01.2014 without check measurement in the M Book for the work of “Output and performance based contract for maintenance Package-12 roads in Nizamabad District” with Token No. 7316, thereby causing misrepresentation of the facts and violation of instructions of the Government instructions. Thus he has violated Rule 3(1) of A.P. C.S. Conduct Rules 1964.

9. In the reference 12th cited, the DWA has forwarded the written statement of defense of the individual duly informing that, based on the fact of check measurement certificate furnished in the bills, the PAO has kept the bill ready for payment in BMS on 25.01.2014 without check measurement in the M. Books. It is a lapse on the part of the APAO and his Staff. **Further submitted that the bill is not paid so far andthus there is no financial loss caused. It is minor procedural lapse on the part of APAO and his Staff and no pecuniary loss to Government is involved.**

10. Government,after careful examination of the written statement of Defenseof the Charged Officer and taking a lenient view in the matter, hereby award the penalty of “CENSURE” under Rule 9 (1) the Civil Service (CC&A) Rules ,1991 to Sri D. Baliram, APAO, Nizamabad.

11. The Director of Works Accounts, Telangana, Hyderabad is requested to take further action in the matter accordingly.

12. Copy of this order is available on Internet and can be accessed at the address <http://www.goir.telangana.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**N. SIVA SANKAR
SECRETARY TO GOVERNMENT**

To
Sri D. Baliram, APAO, Nizamabad
through Director of Works Accounts, Hyderabad.
Director of Works Accounts,
Telangana, Hyderabad.
Copy to
SF/SCs.

// FORWARDED BY ORDER //

SECTION OFFICER